

House Bill 1605

By: Representative Dean of the 59th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to regulation of alcoholic beverages in general, so as to eliminate current provisions relating to local government authorization of certain sales of alcoholic beverages on Sunday; to provide that in any county or municipality in which the sale of alcoholic beverages is lawful for consumption on the premises, the governing authority of the county or municipality may by ordinance or resolution authorize the sale of alcoholic beverages for consumption on the premises in any licensed establishment during certain hours on Sunday; to provide specific authority with respect to sales on Sunday in special entertainment districts; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to regulation of alcoholic beverages in general, is amended by repealing in its entirety Code Section 3-3-7, relating to local government authorization of certain sales of alcoholic beverages on Sunday.

SECTION 2.

Said chapter is further amended by striking Code Section 3-3-20, relating to sale of alcoholic beverages on Sundays, election days, and Christmas Day, and inserting in its place a new Code section to read as follows:

"3-3-20.

(a) Except as provided in subsection (d) of this Code section or except as specifically authorized by law, no person knowingly and intentionally shall sell or offer to sell alcoholic beverages on Sunday.

(b)(1) As used in this subsection, the term 'day' means that period of time beginning with the opening of the polls and ending with the closing of the polls.

1 (2)(A) Except as provided in subparagraph (B) of this paragraph and paragraph (3) of
2 this subsection, in any county or municipality in which the sale of alcoholic beverages
3 is authorized, the sale of alcoholic beverages in compliance with such authorization
4 shall be authorized and legal on any election day.

5 (B) The local governing authority of any county in which the sale of alcoholic
6 beverages is authorized and the local governing authority of any municipality in which
7 the sale of alcoholic beverages is authorized may, by ordinance, prohibit the sale of
8 alcoholic beverages on any election days. In any case where the governing authority of
9 a county or municipality has passed an ordinance prohibiting the sale of alcoholic
10 beverages on any election days as authorized by this subparagraph, such prohibition
11 shall apply only within the territorial boundaries for which the election is held but such
12 territorial boundaries shall not include any property owned or operated by a county,
13 municipality, or other political subdivision of this state for airport purposes if no person
14 resides on such publicly owned or operated property.

15 (3)(A) Notwithstanding any other provisions of this subsection, it shall be unlawful for
16 any person to sell alcoholic beverages within 250 feet of any polling place or of the
17 outer edge of any building within which such polling place is established on primary
18 or election days.

19 (B) Any person violating the provisions of this paragraph shall be guilty of a
20 misdemeanor.

21 (c) The governing authority of any county or municipality may, by ordinance or resolution,
22 prohibit the sale of alcoholic beverages on Christmas Day.

23 ~~(d)(1) In all municipalities within any county having a population of 400,000 or more~~
24 ~~according to the United States decennial census of 1990 or any future such census in~~
25 ~~which the sale of alcoholic beverages is lawful, alcoholic beverages may be sold on~~
26 ~~Sundays between the hours of 12:30 P.M. and 12:00 Midnight at festivals. As used in this~~
27 ~~paragraph, the term 'festival' means a specific outdoor public celebration or gathering for~~
28 ~~which a license or permit has been issued by the appropriate governing authority which~~
29 ~~involves the use either of public parks or public streets and which includes entertainment,~~
30 ~~dancing, music, dramatic productions, art exhibition, parades, or the sale of merchandise,~~
31 ~~food or alcohol, or any combination of the foregoing; and which of necessity requires for~~
32 ~~its successful execution the provision and coordination of municipal services to a degree~~
33 ~~significantly over and above that which the city routinely provides under ordinary~~
34 ~~everyday circumstances. The definition of 'festival,' as used in this paragraph, does not~~
35 ~~include events which are solely parades, foot races, or political demonstrations unless~~

1 ~~such parade, foot race, or political demonstration is proposed as an integral part of a~~
2 ~~larger 'festival,' as defined in this paragraph.~~

3 ~~(2) Notwithstanding the provisions of this subsection, all persons and entities selling~~
4 ~~alcoholic beverages pursuant to this subsection shall fully comply with all other~~
5 ~~applicable state and local license and permit requirements.~~

6 (d) In any county or municipality in which the sale of alcoholic beverages is lawful for
7 consumption on the premises, the governing authority of the county or municipality may
8 by ordinance or resolution authorize the sale of alcoholic beverages for consumption on the
9 premises in any licensed establishment:

10 (1) On Sunday from 12:30 P.M. until 12:00 Midnight; and

11 (2) From 12:00 Midnight Saturday until 4:00 A.M. on Sunday.

12 Any such ordinance or resolution may, but shall not be required to, condition its
13 effectiveness upon approval at a special election by a majority of the qualified voters voting
14 thereon. In the case of a municipality such special election shall be by the qualified voters
15 of the municipality; and in the case of a county such special election shall be by the
16 qualified voters residing in the unincorporated area of the county.

17 (e)(1) As used in this subsection, the term 'special entertainment district' means
18 contiguous properties upon which is located a festival marketplace and entertainment
19 project which is financed in whole or in part by public funds and which contains a
20 minimum of 200,000 square feet of gross leasable space for retail sales and entertainment
21 purposes and which is located in the central business district of a municipality if more
22 than 50 percent of such contiguous properties are owned or controlled by a governmental
23 entity.

24 (2) In addition to the authority granted under subsection (d) of this Code section, the
25 governing authority of a municipality may permit the sale of alcoholic beverages for
26 consumption on the premises in a special entertainment district within the municipality
27 on Sunday from 12:30 P.M. until 12:00 Midnight and from 12:00 Midnight Saturday until
28 4:00 A.M. on Sunday."

29 SECTION 3.

30 All laws and parts of laws in conflict with this Act are repealed.